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EXAMINER
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ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/876,788	LINYARD ET AL.
		Examiner	Art Unit
		Philip C. Lee	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 February 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

1.   This action is responsive to the amendment and remarks filed on February 28 2005.

2.   Claims 1-32 are presented for examination.

3.   The text of those sections of Title 35, U.S. code not included in this office action can be

found in a prior office action.

Claim Rejections – 35 USC 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5.   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

6.   Claims 1-2, 10, 12, 21-23 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated

by Culliss, U.S. Patent 6,539,377 (hereinafter Culliss).

7.   Culliss was cited in the last office action.

8.   As per claims 1,12 and 21-22, Culliss taught the invention as claimed comprising:

receiving a question from a user of a computer executed application;(col. 3, lines 45-56);

identifying an operational context of the computer executed application, wherein the

operational context is associated with the received question (col. 3, lines 45-56);

(Note that it is inherent that a computer executed application question could be received

from a user. This means identifying an operational context (e.g., keywords) of the

computer executed application (e.g., computer application such as MICROSOFT WORD,

MICROSOFT EXCEL, etc.), wherein the operational context is associated with the

received question (i.e., querying the "SAVE" command in MICROSOFT WORD

application).)

identifying a category that is associated with the identified context (col. 3, lines 45-56;

col. 4, lines 30-59); and

searching for at least one answer to the question, wherein the searching is based at least

in part upon the identified category and the received question (col. 5, lines 45-65).

9.   As per claims 2 and 23, Culliss taught the invention as claimed in claims 1 and 22 above.

Culliss further taught that identifying an operational context comprises one of the following:

determining which of a plurality of web pages have been visited by the user; identifying

the time that the user accessed the plurality of web pages;

determining a format in which the user transmitted the question; or

determining the hardware environment of the user (col. 3, lines 57-65).

10.   As per claims 10 and 29, Culliss taught the invention as claimed in claims 1 and 22

above. Culliss further taught additionally comprising searching for the answer using at least in

part the identified category (col. 6, lines 30-40).

11.   Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Warthen, U.S. Patent

6,584,464 (hereinafter Warthen).

12.   Warthen was cited in the last office action.

13.   As per claim 13, Warthen taught the invention as claimed comprising:

a suggestion module adapted to provide a list of questions and answers to a user of a

computer executed application in response to a request for assistance with computer executed

application, wherein the list of questions and answers is customized based at least in part upon a

category that is associated with the user request (col. 3, lines 41-51; col. 6, lines 1-8); and

a statistics module adapted to provide the list of questions, wherein the list of questions

includes a selected number of frequently asked questions (col. 5, lines 15-25).

14.   Claim 32 is rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al, U.S. Patent

6,675,159 (hereinafter Lin).

15.   Lin was cited in the last office action.

16.   As per claim 32, Lin taught the invention as claimed comprising:

receiving a plurality of questions (col. 11, lines 45-52);

determining whether each of the questions has an associated answer located in a

knowledge database (col. 11, lines 45-52);

storing the questions which have no associated answer located in the knowledge database

(col. 11, lines 45-52); and

receiving at least one new answer from an administrative user for each of the questions

stored in the knowledge database which have no associated answer (col. 11, lines 64-col. 12,

lines 29).   (Note that since the query is pending while waiting for a response from the engineer,

therefore, it is inherent that the query must be stored in the system. Furthermore, it is clear that

a confirmation (i.e., one new answer) is received from the engineer (i.e., authorized user) for the

query that is pending in the system which have no associated answer (col. 12, lines 20-29)).

Claim Rejections – 35 USC 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

18.   Claims 3 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in

view of Manduley et al, U.S. Patent 6,768,790 (hereinafter Manduley).

19.   Manduley was cited in the last office action.

20.   As per claims 3 and 24, Culliss taught the invention as claimed in claims 2 and 23 above.

Culliss did not teach the determined format as an e-mail message. Manduley taught that the

determined format is one of the following:

        input from a field in a web page, an e-mail message or an electronic chat question (col. 4,

        lines 7-41).

21.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Manduley because Manduley's

teaching of determining the format would increase the efficiency of Culliss's system by allowing

received messages to be sorted according to the message format.

22.   Claims 4-6, 9, 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Culliss in view of Lin.

23.   As per claims 4 and 25, Culliss taught the invention as claimed in claims 1 and 22 above.

Culliss did not teach identifying the question as an unanswered question. Lin taught a similar

method comprising:

        determining whether a selected one of the at least one answer is associated with the

identified context and the received question (col. 11, lines 45-63); and

        identifying the question as an unanswered question when no answer is associated with the

identified context and the received question (col. 11, lines 64-65).

24.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Lin because Lin's teaching of

identifying an unanswered question would increase the system alertness in Culliss's system by

providing a notification of an unanswered question to an administrator (col. 12, lines 20-29).

25.   As per claim 5, Culliss and Lin taught the invention substantially as claimed in claim 4

above. Culliss further taught that determining whether any answer is associated with the

identified context and the received question comprises determining whether a confidence

threshold is exceeded (col. 5, lines 5-7).

26.   As per claims 6 and 26, Culliss and Lin taught the invention substantially as claimed in

claims 4 and 25 above. Lin further taught additionally comprising associating an answer with

the unanswered question (col. 11, lines 64-col. 12, lines 10).

27.   As per claims 9 and 28, Culliss and Lin taught the invention substantially as claimed in

claims 4 and 26 above. Lin further taught additionally comprising generating an e-mail

containing the answer to the question (col. 21, lines 31-39).

28.   Claims 11, 16 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Culliss in view of Warthen.

29.   As per claim 11, Culliss taught the invention as claimed in claim 10 above. Culliss did

not teach user definable description. Warthen taught that the identified category is a user

definable description (col. 4, lines 55-56).

30.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Warthen because Warthen's

teaching of user definable description would increase the flexibility of the user in Culliss's

system by allowing a user to define criteria for matching the context of the question to an

answer.

31.   As per claim 16, Culliss taught the invention substantially as claimed in claim 12 above.

Culliss did not teach providing a list of questions. Warthen taught a similar system adapted to

provide a list of questions (col. 5, lines 15-25).

32.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Warthen because Warthen's

teaching of providing a list of questions would increase the accuracy of Culliss's system by

accounting for the user selection of the provided list of questions to further narrow the search to

provide relevant results to the user.

33.   As per claim 30, Culliss taught the invention as claimed comprising:

identifying a context of a computer executed application that is associated with a user

(col. 3, lines 45-65);

determining which of a plurality of categories is associated with the identified context of

the computer executed application (col. 3, lines 45-56; col. 4, lines 30-59).

(Note that it is inherent that a computer executed application question could be received

from a user. This means identifying an operational context (e.g., keywords) of the

computer executed application (e.g., computer application such as MICROSOFT WORD,

MICROSOFT EXCEL, etc.), wherein the operational context is associated with the

received question (i.e., querying the "SAVE" command in MICROSOFT WORD

application).)

34.   Culliss did not teach identifying and displaying a plurality of most frequently asked

questions. Warthen taught a similar invention comprising:

> identifying a plurality of most frequently asked questions that are associated with the
>
> determined category (col. 3, lines 41-51; col. 6, lines 1-8); and
>
> displaying the most frequently asked questions to the user (col. 5, lines 15-25).

35.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Warthen because Warthen's

teaching of providing a list of questions would increase the accuracy of Culliss's system by

accounting for the user selection of the provided list of questions to further narrow the search to

provide relevant results to the user.

36.   As per claim 31, Culliss taught the invention as claimed comprising:

> determining a category that is associated with a user question, wherein the determined
>
> category is based at least in part upon which web page of a plurality of web pages the
>
> user has most recently accessed (col. 3, lines 13-56; col. 5, lines 21-25);

37.   Culliss did not teach identifying and displaying a plurality of most frequently asked

questions. Warthen taught a similar invention comprising:

> identifying a plurality of most frequently asked questions that are associated with the
>
> determined category (col. 3, lines 41-51; col. 6, lines 1-8); and
>
> displaying the most frequently asked questions to the user (col. 5, lines 15-25).

38.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Warthen because Warthen's

teaching of providing a list of questions would increase the accuracy of Culliss's system by

accounting for the user selection of the provided list of questions to further narrow the search to

provide relevant results to the user.

39.   Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warthen in

view of Lin.

40.   As per claim 14, Warthen taught the invention as claimed in claim 13 above. Warthen

did not teach associating answers with the unanswered questions. Lin taught that the statistics

module identifies unanswered questions and additionally comprising an authoring module

adapted to associate answers with the unanswered questions (col. 11, lines 64-col. 12, lines 10).

41.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Warthen and Lin because Lin's teaching of

identifying an unanswered question would increase the efficiency of Warthen's system by

providing answer to an unanswered question without human interaction.

42.   As per claim 15, Warthen and Lin taught the invention substantially as claimed in claim

14 above. Lin further taught that the authoring module associates answers with the unanswered

questions automatically (col. 12, lines 6-10).

43.   Claims 7-8, 19-20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Culliss and Lin in view of Warthen.

44.   As per claims 7 and 27, Culliss and Lin taught the invention substantially as claimed in

claims 6 and 26 above. Culliss and Lin did teach generating a web page containing the answer.

Warthen taught that associating an answer comprises generating a web page containing the

answer to the question (col. 4, lines 19-25).

45.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss, Lin and Warthen because Warthen's

teaching of generating a web page containing answer would increase the field of use in their

system by allowing the answer to be presented on a software browser.

46.   As per claim 8, Culliss, Lin and Warthen taught the invention substantially as claimed in

claim 7 above. Culliss further taught additionally comprising providing the associated answer in

response to receiving a question from a second user, wherein the associated answer is

immediately available to the second user subsequent to the answer being associated with the

question (col. 5, lines 22-52).

47.   As per claim 19, Culliss taught the invention as claimed for providing user assistance,

comprising:

      a question module adapted to receive at least one question from a user of a computer

executed application (col. 3, lines 45-56);

      a context module adapted to identify at least one category that is associated with the

context of the computer executed application in which the question was received (col. 3,

lines 45-56; col. 4, lines 30-59);

      (Note that it is inherent that a computer executed application question could be received

from a user. This means identifying an operational context (e.g., keywords) of the

computer executed application (e.g., computer application such as MICROSOFT WORD,

MICROSOFT EXCEL, etc.), wherein the operational context is associated with the

received question (i.e., querying the "SAVE" command in MICROSOFT WORD

application).)

      a knowledge module adapted to identify an answer to a received question, wherein the

answer is derived using at least in part the identified category (col. 5, lines 45-52).

48.   Culliss did not teach associating an answer with the unanswered questions. Lin taught a

similar invention comprising:

      an authoring module adapted to identify unanswered questions and adapted to associate

an answer with the unanswered questions (col. 11, lines 64-col. 12, lines 10).

49.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Lin because Lin's teaching of

identifying an unanswered question would increase the system alertness in Culliss's system by

providing a notification of an unanswered question to an administrator (col. 12, lines 20-29).

50.   Culliss and Lin did not teach providing a list of questions and answers associated with the

identified category. Warthen taught a similar invention comprising:

> a statistics module adapted to provide a list of questions and answers that are associated
>
> with the identified category (col. 3, lines 41-51; col. 6, lines 1-8); and
>
> a suggestion module adapted to provide the list of questions and answers to the user in
>
> response to a request for assistance (col. 3, lines 41-51; col. 6, lines 1-8).

51.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss, Lin and Warthen because Warthen's

teaching of providing a list of questions would increase the accuracy of Culliss's and Lin's

systems by accounting for the user selection of the provided list of questions to further narrow

the search to provide relevant results to the user.

52.   As per claim 20, Culliss, Lin and Warthen taught the invention substantially as claimed in

claim 19 above. Lin further taught that the authoring module associates answers with the

unanswered questions automatically (col. 12, lines 6-10).

53.   Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss and

Warthen in view of Warner, U.S. Patent 6,665,655 (hereinafter Warner).

54.   Warner was cited in the last office action.

55.   As per claims 17-18, Culliss and Warthen taught the invention substantially as claimed in

claim 16 above. Culliss and Warthen did not teach arranging the questions in an order. Warner

taught that the statistics module arranges the questions in a most frequently asked order or a least

frequently asked order (col. 7, lines 15-col. 8, lines 40; col. 9, lines 37-40).

56.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss, Warthen and Warner because Warner's

teaching of arranging the questions in order would increase the user flexibility of Culliss's and

Warthen's systems by allowing the results to be presented according to the user's interest.

57.   Applicant's arguments with respect to claims 1-32, filed 02/28/05, have been fully

considered but are not deemed to be persuasive.

58.   In the remark applicant argued that

        (1)   Culliss does not describe identifying an operational context for a computer

executed application

(2)   Warthen does not teach that its list of template questions derived from the

user entered question are based at least in part on a category that is associated with the

user entered question.

(3)   Warthen fails to teach using a category that is associated with the user

request to customize the provided list of questions and answers as claimed in claim 13.

(4)   Lin fails to disclose that questions with no associated answer are stored in

a knowledge database and at least one new answer is received from administrative user

for each of the unanswered questions stored in the knowledge database.

(5)   Culliss does not teach identifying an answer to received question such that

the answer is derived at least in part by using the identified category.

(6)   Neither Culliss nor Warthen teach that a category associated with a user

question is determined based at least in part upon which web page among a plurality of

web pages was most recently accessed by the user.

59.   In response to point (1), Culliss taught the invention comprising:

receiving a question from a user of a computer executed application (col. 3, lines 45-56);

identifying an operational context of the computer executed application, wherein the

operational context is associated with the received question (col. 3, lines 45-56). It is

inherent that a computer executed application question could be received from a user.

This means identifying an operational context (e.g., keywords) of the computer executed

application (e.g., computer application such as MICROSOFT WORD, MICROSOFT

EXCEL, etc.), wherein the operational context is associated with the received question

(i.e., querying the "SAVE" command in MICROSOFT WORD application).

60.   In response to points (2) and (3), Warthen taught the invention as claimed comprising:

        a suggestion module adapted to provide a list of questions and answers to a user

of a computer executed application in response to a request for assistance with computer

executed application, wherein the list of questions and answers is customized based at least in

part upon a category that is associated with the user request (col. 3, lines 41-51; col. 6, lines 1-

8). This means that since the list of question is provided based on the normalized keyword (i.e.,

category) (col. 5, lines 49-54) of the user request (i.e., user entered question), therefore, the

provided list of question is customized for each normalized keyword of the user request (col. 5,

line 45-col. 6, line 8).

61.   In response to point (4), Lin taught the invention comprising:

        storing the questions which have no associated answer located in the knowledge database

(col. 11, lines 45-52); and

        receiving at least one new answer from an administrative user for each of the questions

stored in the knowledge database which have no associated answer (col. 11, lines 64-col. 12,

lines 29). Note that since the query is pending while waiting for a response from the engineer,

therefore, it is inherent that the query must be stored in the system. Furthermore, it is clear that

a confirmation (i.e., one new answer) is received from the engineer (i.e., authorized user) for the

query that is pending in the system which have no associated answer (col. 12, lines 20-29).

62.   In response to point (5), Culliss taught identifying an answer to a received question,

wherein the answer is derived using at least in part the identified category (col. 5, lines 45-52)

(i.e., the articles (i.e., answer) associated with these groupings (i.e., categories) are retrieved).

63.   In response to point (6), Culliss taught that a category associated with a user question is

determined based at least in part upon which web page among a plurality of web pages was most

recently accessed by the user (col. 3, lines 13-56; col. 5, lines 21-25).

64.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action

is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply

is filed within TWO MONTHS of the mailing date of this final action and the advisory action is

not mailed until after the end of the THREE MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action. Any inquiry concerning this

communication or earlier communications form the examiner should be directed to Philip Lee

whose telephone number is (571) 272-3697. Any inquiry of a general nature or relating to the

status of this application should be directed to the Group receptionist whose telephone number is

(703) 305-9600.

JOHN FOLLANSBEE
SORY PATENT EXAMINER
TECHNOLOGY CENTER 2100